

## LOCAL LAW #2 OF THE YEAR 2021

**BE IT ENACTED** by the Town Board of the Town of Ossining as follows:

### **Section 1: Title**

This Local Law shall be known and cited as “Local Law No. \_of 2021, for the Purpose of Amending Chapter 200, Zoning, of the Town Code with Respect to Battery Energy Storage Systems.”

### **Section 2: Legislative Intent**

This local law is determined to be an exercise of the police powers of the Town to protect the public health, safety and welfare of its residents. The Town Board believes that it is reasonable and appropriate to amend Chapter 200, Zoning, of the Town Code with respect to battery energy storage systems.

### **Section 3: Zoning Chapter Amendments**

#### **1. The following new definitions shall be added to Section 200-53.A:**

**ANSI:** American National Standards Institute

**BATTERY(IES):** A single cell or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

**BATTERY ENERGY STORAGE MANAGEMENT SYSTEM:** An electronic system that protects energy storage systems from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected.

**BATTERY ENERGY STORAGE SYSTEM:** A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 Battery Energy Storage System as follows:

- A. Tier 1 Battery Energy Storage Systems have an aggregate energy capacity less than or equal to 600kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
- B. Tier 2 Battery Energy Storage Systems have an aggregate energy capacity greater than 600kWh or are comprised of more than one storage battery technology in a room or enclosed area.

**CELL:** The basic electrochemical unit, characterized by an anode and a cathode, used to receive, store, and deliver electrical energy.

**COMMISSIONING:** A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

**DEDICATED-USE BUILDING:** A building that is built for the primary intention of housing battery energy storage system equipment, is classified as Group F-1 occupancy as defined in the International Building Code, and complies with the following:

- 1) The building's only use is battery energy storage, energy generation, and other electrical grid-related operations.
- 2) No other occupancy types are permitted in the building.
- 3) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 4) Administrative and support personnel are permitted in areas within the buildings that do not contain battery energy storage system, provided the following:
  - 1) The areas do not occupy more than 10 percent of the building area of the story in which they are located.
  - 2) A means of egress is provided from the administrative and support use areas to the public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy system equipment.

**ENERGY CODE:** The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

**FIRE CODE:** The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL):** A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

**NEC:** National Electric Code.

**NFPA:** National Fire Protection Association.

**NON-DEDICATED-USE BUILDING:** All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements identified in this Section.

**NON-PARTICIPATING PROPERTY:** Any property that is not a participating property.

**NON-PARTICIPATING RESIDENCE:** Any residence located on Non-participating Property.

**OCCUPIED COMMUNITY BUILDING:** Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

**PARTICIPATING PROPERTY:** A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

**UL:** Underwriters Laboratory, an accredited standards developer in the US.

**UNIFORM CODE:** the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

**2. A new Section 200-31.4 shall be added and shall read as follows:**

**§ 200-31.4 Battery energy storage systems.**

- A. Authority. This section is adopted pursuant to §§ 261 through 263 of the Town Law and § 20 of the Municipal Home Rule Law of New York State (NYS), which authorize the Town to adopt zoning provisions that advance and protect the health, safety and welfare of the community and, in accordance with the NYS Town Law, “to make provision for, so far as conditions may permit, the accommodation of Battery Energy Storage Systems and equipment and access to sunlight necessary therefor.”
- B. Statement of Purpose. This section is adopted to advance and protect the public health, safety and welfare of Town by creating regulations for the installation and use of battery energy storage systems and equipment.
- C. Applicability.
  - (1) The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in Town after the effective date of this Local Law, excluding general maintenance and repair.
  - (2) Battery energy storage systems that have a valid building permit or have been constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
  - (3) Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.
- D. General requirements.
  - (1) A building permit and an electrical permit shall be required for installation of all battery energy storage systems.
  - (2) All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Town Code.
- E. Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts, as an accessory use subject to the Uniform Code and the “Battery Energy Storage System Permit,” and shall be shown on plans submitted for the building permit application for the building containing the system. Tier 1 Battery Energy Storage Systems are exempt from site plan review.
  - (1) Battery energy storage systems for one or two-family residential dwelling units shall not exceed an aggregate energy capacity of the following:

- a) 40 kWh within utility closets and storage or utility spaces
  - b) 80 kWh in attached or detached garages and detached accessory structures
  - c) 80 kWh on exterior walls
  - d) 80 kWh outdoors on the ground.
- (2) All outside Tier 1 Battery Energy Storage Systems shall only be installed in side or rear yards and meet the minimum lot size and standard setbacks in the zoning district for principal structures. Heights are limited to 6.5 ft for any external battery energy storage systems.
  - (3) All outside Tier 1 Battery Energy Storage Systems shall provide a Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
  - (4) All outside Tier 1 Battery Energy Storage Systems shall not have an area greater than 225 square feet for a single energy storage system and all systems in the aggregate shall not occupy more than 25% of the area of the required rear or side yard.

F. Requirements for Tier 2 Solar Energy Systems.

- (1) In the interest promoting alternative energy through battery energy storage, the Town Board may entertain the creation of Tier 2 Battery Energy Storage System floating zones by the legislative amendment of the Town's Zoning Map. The One-Family, GB, O-RB, O-RE and BE Zoning Districts are eligible hosts for this floating zone. The Town Board, as a legislative body, has broad discretion in amending the Zoning Map and shall take the preservation and use of environment resources, as well as any other factors it deems pertinent, into consideration in determining whether the Board will entertain an application for the creation of said floating zone. In evaluating this balance, the Town Board will, all other things being equal, favor paved parking areas over natural treeless areas, and will favor natural treeless areas over treed areas, for the installation of Tier 2 battery energy storage systems. Protection of the visual environment is another important consideration of the Town Board. All applications for Tier 2 Battery Energy Storage System floating zone shall be subject to the Uniform Code and the site plan application requirements set forth in this Section.
- (2) Amendment of the Zoning Map shall follow the same procedure contained in Article XII of this chapter.
- (3) Subsequent to amendment of the Zoning Map, Tier 2 battery energy storage systems are permitted through the issuance of a conditional use permit and site plan approval under §§ 200-49 and 50 of this chapter respectively, Subsections G and H below, and Architectural Review Board approval pursuant to Chapter 55 of this Code.

G. Site Plan Application. For the installation of Tier 2 Battery Energy Storage System the following site plan requirements apply:

- (1) Property lines and physical features including roads for the project site.
- (2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, and exterior lighting.
- (3) A screening and landscaping plan to show adequate measures to screen through landscaping, grading or other means so that views of the storage systems shall be minimized as reasonably practical and feasible from public roadways and adjacent properties.
- (4) Location of the battery energy storage system, and setbacks from property lines.
- (5) A one- or three-line electrical diagram detailing the battery energy storage

system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

- (6) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- (7) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- (8) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- (9) Zoning district designation for the parcel(s) of land comprising the project site.
- (10) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code. Where commissioning is required by the Uniform Code, Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code shall be provided to Building Inspector prior to final inspection and approval and maintained at an approved on-site location.
- (11) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- (12) Operation and Maintenance Manual. Such plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code.
- (13) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- (14) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer.
- (15) Emergency Operations Plan. A copy of the approved Emergency Operations Plan shall be given to the system owner, the local fire department, and local fire code official. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. The emergency operations plan shall include the following information:
  - a) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
  - b) Procedures for inspection and testing of associated alarms, interlocks, and controls.

- c) Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f) Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g) Other procedures as determined necessary by the Town to provide for the safety of occupants, neighboring properties, and emergency responders.
- h) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

H. Conditional Use Permit. In addition to the other conditional use standards in this chapter, the following conditional use permit standards shall apply for Tier 2 Battery Energy Storage Systems:

- (1) Bulk requirements. The Property on which the Tier 2 Battery Energy Storage System is placed shall meet the lot size, setbacks, and height requirements in Tier 2 Battery Energy Storage System Bulk Table herein.
- (2) Screening and visibility. Tier 2 Battery Energy Storage Systems shall be screened to the maximum extent practicable from public roadways and adjacent properties through the use of architectural features, earth berms, landscaping, fencing or other screening methods which harmonize with the character of the subject property and the surrounding area. The screening shall not, however, interfere with the normal operation, ventilation or exhaust ports, or fire safety of the storage system. A covenant regarding the maintenance of any required screening shall be provided by the applicant.
- (3) Access. Vehicular access within the site shall be designed to minimize the extent of impervious materials and soil compaction and meet any applicable emergency access or safety requirements.
- (4) Trees and Vegetation. The clearing of vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the Tier 2 battery energy storage system.
  - a) Areas within 10 feet on each side of Tier 2 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.

- b) Tree removal shall be subject to Chapter [183](#) of this Code, including, but not limited to, § [183-12G](#) pertaining to tree replacement and/or other mitigation.
  - c) Battery energy storage systems shall not be sited within any required buffer areas.
- (5) Fencing. All mechanical equipment, shall be enclosed by a 6.5-foot-high fence or a fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- (6) Lighting. Lighting of the battery energy storage systems shall be limited to lighting that is minimally required for safety and operational purposes and shall be reasonably shielded, downcast and does not encroach on abutting properties. All lighting should be less than 3,000 Kelvins.
- (7) Coverage. The battery energy storage system shall be included in calculating maximum permitted building coverage for the applicable zoning district.
- (8) Security.
  - a) A cash deposit, bond or other form of security in an amount and form acceptable to the Town Attorney and Town Engineer shall be submitted to the Town, and shall be in an amount sufficient to ensure the good-faith performance of the terms and conditions of the permit issued pursuant hereto, and shall also provide for the removal of the battery energy storage system and restoration of the lot subsequent to removal. The amount of the cash deposit, bond or other security shall be 125% of the cost of removal of the battery energy storage system and restoration of the property with an escalator of 2% annually for the life of the battery energy storage system. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the battery energy storage system.
  - b) In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond or other security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond or other security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
  - c) In the event of default or abandonment of the battery energy storage system, the system shall be decommissioned as set forth in Subsections [H \(9\)](#) and [\(10\)](#) herein.
- (9) Abandonment.
  - a) Upon cessation of electricity generation of a battery energy storage system on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the battery energy storage system to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.
  - b) If the owner and/or operator fails to comply with decommissioning upon abandonment of the battery energy storage system, the Town may, at its discretion, utilize the cash deposit, bond or other security for the removal of the battery energy storage system and restoration of the site in accordance with the decommissioning plan Subsection L herein.
- (10) Decommissioning. Battery energy storage systems that have been abandoned and/or not producing electricity for a period of one year shall be removed at the owner and/or operator's expense, which, at the owner's option, may come from any security made with the Town as set forth in

Subsection F(8) herein.

- (11) Ownership or operator changes. If the owner or operator of the battery energy storage system changes or the owner of the property changes, the conditional use permit shall remain in effect, provided that the successor owner or operator assumes, in writing, all of the obligations of the conditional use permit, site plan approval and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the Building Inspector of such change in ownership or operator within 30 days of the ownership or operator change. A new owner or operator must provide such notification to the Building Inspector in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the Building Inspector in the required timeframe. Reinstatement of a void permit will be subject to the same review and approval processes for new applications under this Section.
- I. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.
- J. Noise. The noise generated from the battery energy storage systems, components, and associated ancillary equipment shall meet the requirements of Chapter 130, Noise. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.
- K. Signage.
  - (1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
  - (2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- L. Decommissioning Plan.
  - (1) Decommissioning Plan. The applicant shall submit a decommissioning plan, developed in accordance with the Uniform Code, to be implemented upon abandonment and/or in conjunction with removal from the facility prior to the issuance of a building permit. The decommissioning plan shall include:
    - a) A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all battery energy storage system components, structures, equipment, security barriers, and transmission lines from the site;
    - b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
    - c) The anticipated life of the battery energy storage system;
    - d) The estimated decommissioning costs and how said estimate was determined;
    - e) The method of ensuring that funds will be available for decommissioning and restoration;

- f) The method by which the decommissioning cost will be kept current;
  - g) The manner in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the battery energy storage system, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and
  - h) A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- M. An Application shall not be deemed complete unless it addresses all matters listed in this Section including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Ownership Changes, Safety, and Permit Time Frame and Abandonment.
- N. Safety. A. System Certification. Battery energy storage systems and equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards as applicable:
- (1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power, and Light Electric Rail Applications),
  - (2) UL 1642 (Standard for Lithium Batteries),
  - (3) UL 1741 or UL 62109 (Inverters and Power Converters),
  - (4) Certified under the applicable electrical, building, and fire prevention codes as required.
  - (5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.
- O. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 2 Battery Energy Storage System is located in an ambulance district, the local ambulance corps.
- P. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.
- Q. Conflict. If any of the provisions of this section are found to be in conflict with other provisions of this chapter, the provisions of this section shall be controlling.
- R. Severability. The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

**3. A new Section 200-7.D(9) shall be added and shall read as follows:**

- (9) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.

4. **A new Section 200-7.C(3) shall be added and shall read as follows:**
  - (3) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
5. **A new Section 200-16 (C) shall be added and shall read as follows:**
  - (1) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
6. **A new Section 200-16.1 (C) shall be added and shall read as follows:**
  - (2) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
7. **Sections 200-17.B, C, D and E shall respectively be redesignated C, D, E, and F**
8. **A new Section 200-17.C(5) shall be added and shall read as follows:**
  - (5) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.
9. **New Sections 200-17.B and 200-7.B(1) shall be added and shall read as follows:**

Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

  - (1) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4
10. **A new Section 200-18.C(6) shall be added and shall read as follows:**
  - (6) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.
11. **A new Section 200-18.B(3) shall be added and shall read as follows:**
  - (3) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
12. **Sections 200-18.1.B, C and D shall respectively be redesignated C, D and E**
13. **A new Section 200-18.1.C(6) shall be added and shall read as follows:**
  - (6) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.
14. **New Sections 200-18.1.B and 200-18.1.B(1) shall be added and shall read as follows:**

Conditional uses permitted upon approval by the Planning Board in accordance with Article XI hereof. The following conditional uses are permitted subject to approval by the Planning Board in accordance with § 200-49 hereof and subject to the requirements specified below and elsewhere in this chapter, including site plan approval in accordance with § 200-50 hereof.

  - (1) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4
15. **A new Section 200-19.C(8) shall be added and shall read as follows:**
  - (8) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.

16. **A new Section 200-19.B(3) shall be added and shall read as follows:**
  - (3) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
17. **A new Section 200-19.1.C(11) shall be added and shall read as follows:**
  - (11) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.
18. **A new Section 200-19.1.B(2) shall be added and shall read as follows:**
  - (2) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.
19. **A new Section 200-19.2.C(9) shall be added and shall read as follows:**
  - (9) Tier 1 Battery Energy Storage Systems, subject to § 200-31.4.
20. **A new Section 200-19.2.B(2) shall be added and shall read as follows:**
  - (2) Tier 2 Battery Energy Storage Systems, subject to § 200-31.4.

**Section 4: Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Code of the Town of Ossining as adopted and amended from time to time thereafter is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 5: Numbering for Codification**

It is the intention of the Town of Ossining and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Ossining; that the sections and sub-sections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

**Section 6: Separability**

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Ossining that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

**Section 7: Effective Date**

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

